

Remarks

The examiner's reconsideration of the application is requested in view of the amendments above and comments which follow.

Taking the matters raised by the examiner in turn, it is appreciated that the examiner renumbered misnumbered claim 16 as claim 6, as was intended. Claim 6, although not having a misspelling, has been corrected above as required by the examiner. The previous spelling in the claim was the English version, just like the spelling "fibre" contained throughout the claims.

The examiner next has rejected claim 4 under U.S.C. §112 as being indefinite. Since the examiner is in error, reconsideration is requested.

The Examiner has misunderstood the relative proportions of the fibre types in the Examiner's comments at the end of page 2 and beginning of page 3. The Examiner has looked at 7 fibers in isolation in making the assertion that 1/7 of the fibres convey light to the sample, 3/7 collect and convey emitted radiation via a first wavelength selective filter to a first region of the detector, and the remaining 3/7 of the fibres collect and convey emitted radiation via a second wavelength selective filter to a second region of the detector.

The Examiner should note that the fibres are part of a repeating pattern of hexagons, not heptagons. If the Examiner looks at Figure 4 he will see that each black fibre is surrounded by 3 white and 3 lined fibres; each white fibre is surrounded by 3 black and 3 lined fibres; and each lined fibre is surrounded by 3 black and 3 white fibres. Accordingly, the white, black and lined fibres are clearly present in the same amount and the fraction made up by each type, of the total number of fibres, is 1/3.

Consequently, it is submitted that the examiner's rejection of claim 4 is in error, and should be retracted.

The examiner then rejects claims 1 - 8 and 10 - 19 under U.S.C. §103 as being obvious over the Mackay European publication in view of Danielian U.S. Patent Number 5,862,285. While the indicated allowability of claim 9 is greatly acknowledged, reconsideration is requested.

Claim 1 has been amended to include the subject matter of claim 5 without limitation to the number of wells or fiber bundles. Claim 5, has, therefore, been appropriately amended. It is submitted that claim 1, as amended, distinguishes from, and is allowable over, the prior art, whether taken alone or in combination.

Danielian discloses fibres grouped by type at one end (the first end), and arranged according to an ordered structure at the other end (the second end). The Figures show the fibres being grouped into bundles at the first end. However, there is no disclosure of the fibres being grouped into two bundles at the second end, let alone the specific configuration claimed in which two groups of light collecting fibres from the plurality of fibre bundles are collated into two collections each of a plurality of fibre bundles.

Mackay describes a first embodiment, illustrated in Figure 1, which has a single head of a fibre probe. This head 11 is scanned so that the fibre optic probe 12 is brought into close proximity to the underside of each tray well in turn. (Column 3, from line 18). There is no disclosure of a plurality of light collecting fibre bundles. .

Mackay also describes a second embodiment, illustrated in Figure 2, for two-dimensional imaging. Again, there is no disclosure of light collecting fibre bundles.

Therefore, amended claim 1 would not have been obvious over Mackay in the light of Danielian. Indeed, the fact that Mackay did not consider the claimed solution to the problem of detecting light emitted at two separate wavelengths at multiple wells, illustrates the patentability

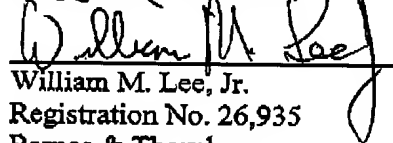
of the invention claimed.

The remaining claims depend from claim 1, and are submitted to be allowable for the same reasons that claim 1 is allowable. Thus, while the indicated allowability of claim 9 is gratefully acknowledged, it is submitted that all claims are now in condition for allowance, and the examiner's further and favorable reconsideration in that regard is urged.

This response is timely in that June 28, 2003 was a Saturday and this response is being submitted on the next business day.

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Respectfully submitted,



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